

30. A chassis according to claim 12, wherein said top portion of each of said lateral and medial flanges is adjacent to said foot-bearing portion. --

REMARKS

Status of Claims

Upon entry of this amendment, claims 1-30 will be pending, claims 1, 6, 7, 9, and 12 being independent.

Summary of the Final Office Action

Claims 1-5 and 7-12 are rejected under 35 USC 103(a) as being unpatentable over MYERS et al. (U.S. Patent No. 5,735,536, hereinafter "MYERS") in view of MacDONNELL (U.S. Patent No. 1,977,587).

Claim 6 is rejected under 35 USC 103(a) as being unpatentable over MYERS in view of BOURDEAU (U.S. Patent No. 5,456,477).

Reply to Office Action

During an interview with Examiners Phan and Mar during the prosecution of parent application No. 09/377,841, a rejection based upon the same combination of MYERS and MacDONNELL relied upon in the Office action to which Applicant is replying herewith was discussed. The combination was subsequently withdrawn. That application was issued as U.S. Patent No. 6,293,563 on September 25, 2001.

The following was discussed during the aforementioned interview as evidencing the non-obviousness of making a modification of MYERS' skate frame (i.e., "chassis") by means of any teachings of MacDONNELL.

The frame of MacDONNELL, intended to be used with ice skates, is made by punching with dies. A longitudinally extending tubular section 10 is made in the frame sections 4, 5 and

it extends such that it is upwardly curved at the front, as shown in Fig. 6 in particular.

By contrast, it is the intention of MYERS to have the body of his chassis to have a substantially cross section along its length, thereby enabling the chassis to be manufactured by an extrusion process. Therefore, a longitudinally curved rib would not be possible. See, e.g., column 3, lines 1-3, and column 4, lines 16-17 of MYERS. As explained in *In re Gordon*, 221 USPQ 1125 (Fed. Cir. 1984), a proposed modification is inappropriate as a consideration regarding obviousness under 35 USC 103 when such modification rendered the prior art reference inoperable for its intended purpose.

Inasmuch as the rejections of claims 1, 7, 9, and 12 under 35 USC 103 rely upon the combination of MYERS and MacDONNELL, Applicant requests that such rejections be withdrawn.

Applicant also requests that the rejection of claim 6 be withdrawn, particularly in view of the amendment to claim 6 herein.

Claim 6 is rejected on the basis of a hypothetical combination of MYERS and BOURDEAU. In the rejection, the Examiner has identified each of elements 40 and 41 of BOURDEAU as a boss and has concluded that it would have been obvious to have modified the chassis of MYERS to have such elements.

In Applicant's disclosure, it had not been his intention to have the term "boss" encompass projections like elements 40, 41 of BOURDEAU, viz., projections that are concentric with the axles 13 of the wheels.

By way of amendment, claim 6 now defines the boss of each lateral flange as being "non-circular". Inasmuch as the projections of BOURDEAU are limited to apparently circular projections concentric with axles 13, Applicant submits that the teachings of BOURDEAU would not enable one skilled in the art to have modified the chassis of MYERS in a way that would

have resulted in Applicant's invention.

Further, the Examiner's attention is directed to new dependent claims 24 and 26, in which the holes for the axles of the wheels are specifically recited and, further, in which the recited "bosses" do not surround the axle holes. Claims 25 and 27 (depending from claims 24 and 27) specifically call for the chassis to include the wheels.

At least in view of the amendment, reconsideration and withdrawal of the rejection of claim 6 is requested.

Applicant directs the Examiner's attention to an amendment near the end of claim 1 which specifies that the stiffening rib extends longitudinally other than in a straight line. That is, the deviation from a straight line does not refer, e.g., to the shape of the stiffening rib in a transverse cross section. This amendment was made for purposes unrelated to the rejection of claim 1.

In addition to new claim 24, Applicant has added new claims 13-23 and 25-30.

Claims 13, 23, 28, 29, and 30 have been added to call for the top portion of each of the lateral and medial flanges to be adjacent to the foot-bearing portion(s) of the chassis. These limitations had initially been recited in independent claims 1, 6, 7, 9, and 12 and each of such claims has been amended herein to relegated this limitation to dependent claims.

Other claims have been added to further define the stiffening rib(s). Claim 14, e.g., calls for the stiffening ribs of the lateral and medial flanges to have ends that extend downwardly toward respective ends of these flanges. In MacDONNELL, the structure 10, referred to by MacDONNELL as "a tubular section, essentially take the longitudinal shape of the frame sections a, b, namely, substantially straight except for an upturned front end.

Also contrasting with MacDONNELL, claim 15 calls for the curved shape of the stiffening rib(s) to have a downwardly facing concavity.

Still further, and also different from MacDONNELL, claim 16 calls for the stiffening ribs to have a longitudinally extending intermediate portion having a higher elevation relative to opposite ends.

Claim 17 describes the shapes of the lateral and medial flanges themselves, not taught or suggested by either MYERS or MacDONNELL. Specifically, the flanges having top and bottom edges of end portions to extend both forwardly and downwardly. As examples, see Applicant's Figs. 1, 4, and 11 in particular.

Claim 18 adds a means-plus-function limitation, i.e., "means for attaching said at least one wheel to said lateral and medial flanges, said means being arranged longitudinally along said lateral and medial flanges," and that the stiffening rib of each of the flanges is positioned above such means.

Claim 19 calls for the stiffening rib of each of the flanges to be "continuous" between said opposite ends. In contrast, the structure 10 of MacDONNELL is interrupted by hollow posts 7, 8.

Claim 20 calls for the flanges and the foot-bearing portions to form a substantially U-shape in transverse cross section.

Claims 21 and 22 call for the foot-bearing portion(s), the lateral and medial flanges to be formed as a single piece.

SUMMARY AND CONCLUSION

By means of the amendment above, Applicant submits that the application has been placed in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested.

Any amendments to the claims presented above, which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a

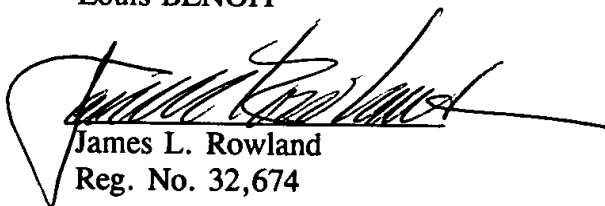
purpose unrelated to patentability, and no estoppel should be deemed to attach to such amendments.

A check is attached for payment of a claim fee and a fee for an extension of time. No additional fee is believed to be necessary. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and complete to Deposit Account No. 19-0089.

Further, although an extension of time for two months is believed to be necessary at this time, if it were to be found that an additional extension of time were necessary to render this reply timely and/or complete, Applicant requests an extension of time under 37 CFR 1.136(a) for an additional month to render this reply timely and/or complete and, in that event, the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR 1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,
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MARKED-UP VERSION OF AMENDMENTS

1. (Amended) A chassis for an in-line skate, said chassis comprising:
- at least one substantially horizontal foot-bearing portion;
 - one longitudinally extending lateral flange extending downwardly from said foot-bearing portion, and one longitudinally extending medial flange extending downwardly from said foot-bearing portion;
 - each of said lateral flange and said medial flange having [at] a top portion [adjacent to said foot-bearing portion,] and a bottom portion, wherein:
 - both said top portions of said lateral flange and said medial flange being transversely spaced apart and both said bottom portions of said lateral flange and said medial flange being adapted to have attached therebetween at least one wheel;
 - each of said lateral flange and said medial flange further having a stiffening rib, said stiffening rib having been made by pressing, extending longitudinally other than in a straight line.
6. (Amended) A chassis for an in-line skate, said chassis comprising:
- at least one substantially horizontal foot-bearing portion;
 - one longitudinally extending lateral flange extending downwardly from said foot-bearing portion, and one longitudinally extending medial flange extending downwardly from said foot-bearing portion;
 - each of said lateral flange and said medial flange having [at] a top portion [adjacent to said foot-bearing portion,] and a bottom portion, wherein:
 - both said top portions of said lateral flange and said medial flange being transversely spaced apart and both said bottom portions of said lateral flange and said medial flange being adapted to have attached therebetween at least one wheel;
 - each of said lateral flange and said medial flange further having a non-circular boss, said boss having been made by pressing, said boss having an outline devoid of a straight line.

7. (Amended) An in-line skate comprising:

at least one substantially horizontal foot-bearing portion;

one longitudinally extending lateral flange extending downwardly from said foot-bearing portion, said lateral flange comprising a metal, said metal at least partly including aluminum;

one longitudinally extending medial flange extending downwardly from said foot-bearing portion, said lateral flange comprising a metal, said metal at least partly including aluminum;

each of said lateral flange and said medial flange having [at] a top portion [adjacent to said foot-bearing portion], and a bottom portion substantially coplanar with said top portion, wherein:

both said top portions of said lateral flange and said medial flange being equally transversely spaced apart and being adapted to have attached therebetween at least one wheel;

each of said lateral flange and said medial flange further having an intermediate portion having been made by pressing, substantially non-coplanar with said bottom portions of said lateral flange and said medial flange.

9. (Amended) An in-line skate comprising:

at least one longitudinally extending foot-bearing portion;

one longitudinally extending lateral flange extending downwardly from said foot-bearing portion and having a lateral top portion [adjacent to said foot-bearing portion], and a lateral bottom portion adapted to have attached thereto at least one wheel;

one longitudinally extending medial flange extending downwardly from said foot-bearing portion and having a medial top portion [adjacent to said foot-bearing portion], and a medial bottom portion adapted to have attached thereto at least one wheel;

said lateral top portion being spaced apart by a first distance from said medial top portion;

said lateral bottom portion being spaced apart by said first distance from said

medial bottom portion;

said lateral flange further having a lateral intermediate portion having been made by pressing, said lateral intermediate portion being substantially non-coplanar with said lateral bottom portion;

said medial flange further having a medial intermediate portion having been made by pressing, said medial intermediate portion being substantially non-coplanar with said medial bottom portion;

said lateral intermediate portion being spaced apart by a second distance from said medial intermediate portion, said second distance being different from said first distance.

12. (Amended) An in-line skate comprising:

at least one longitudinally extending foot-bearing portion;

one longitudinally extending lateral flange extending downwardly from said foot-bearing portion and having a lateral top portion [adjacent to said foot-bearing portion], a lateral bottom portion adapted to have attached thereto at least one wheel and a lateral intermediate portion;

one longitudinally extending medial flange extending downwardly from said foot-bearing portion and having a medial top portion [adjacent to said foot-bearing portion], a medial bottom portion adapted to have attached thereto at least one wheel and a medial intermediate portion;

said lateral top portion being spaced apart by a first distance from said medial top portion;

said lateral bottom portion being spaced apart by said first distance from said medial bottom portion;

at least one of said lateral intermediate portion and said medial intermediate portion having been made by pressing and being substantially non-coplanar with said lateral bottom portion;

said lateral intermediate portion being spaced apart by a second distance from said medial intermediate portion, said second distance being different from said first distance.